

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to independent private instruction and online learning

The State Board of Education hereby amends Chapter 15, “Online and Virtual Learning,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate File 546.

Purpose and Summary

2021 Iowa Acts, Senate File 546, removes the ability for students receiving independent private instruction to participate in certain forms of online learning. This rule making conforms the Department’s rules to that statutory requirement.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 30, 2021, as **ARC 5737C**. A public hearing was held on July 20, 2021, at 9 a.m. in Room B100, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa, with an option for videoconference participation. No one attended the public hearing.

The Department received one public comment, which was in favor of the proposed amendments. The commenter, an attorney who represents a home school advocacy organization, offered additional suggestions of rules to amend. Those suggested additional amendments are entirely consistent with the provisions of 2021 Iowa Acts, Senate File 546, and the Notice, and the Department has adopted the suggested changes. Those changes include adding Items 2 and 5, renumbering the items from the Notice, and amending the catchwords in Items 3 and 4.

Adoption of Rule Making

This rule making was adopted by the State Board on August 5, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 29, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 15.6(1) as follows:

15.6(1) *Online learning program delivered by area education agencies.* Subject to an appropriation of funds by the general assembly for this purpose, AEAs may provide an online learning program to deliver distance education to Iowa's secondary students, including students receiving ~~independent private instruction~~, competent private instruction, ~~or private instruction by a nonlicensed person~~ under Iowa Code chapter 299A. An AEA may provide an online learning program separately, in collaboration with other AEAs, or in partnership with school districts and accredited nonpublic schools.

ITEM 2. Amend subrule 15.6(2) as follows:

15.6(2) *Student participation.* To participate in an online learning program offered by an AEA, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving competent private instruction under Iowa Code chapter 299A.

ITEM 3. Amend subrule 15.6(6) as follows:

15.6(6) *Private Competent private instruction.* This rule applies to students receiving ~~independent private instruction as defined in Iowa Code section 299A.1(2) "b,"~~ competent private instruction under Iowa Code section ~~299A.2,~~ or private instruction by a nonlicensed person under Iowa Code section ~~299A.3~~ chapter 299A. To participate in an online learning program offered by an area education agency, a student receiving competent private instruction under Iowa Code chapter 299A shall take whatever steps are necessary to enroll with the student's district of residence. The coursework offered by AEAs pursuant to this subrule must be taught and supervised by a teacher licensed under Iowa Code chapter 272 who has online learning experience, and the course content must meet the requirements established by rule pursuant to Iowa Code section 256.7(32) "c."

ITEM 4. Amend subrule 15.8(4) as follows:

15.8(4) *Private Competent private instruction.* The online learning platform described in subparagraph 15.8(3) "b"(3) may deliver distance education to students, ~~including students receiving independent private instruction as defined in Iowa Code section 299A.1(2) "b,"~~ competent private instruction under Iowa Code section ~~299A.2,~~ or private instruction by a nonlicensed person under Iowa Code section ~~299A.3~~ chapter 299A, provided such students register with the school district of residence and the coursework offered by the online learning platform is taught and supervised by a teacher licensed under Iowa Code chapter 272 who has online learning experience, and the course content meets the requirements established by rule pursuant to Iowa Code section 256.7(32) "c."

ITEM 5. Amend rule 281—15.10(256) as follows:

281—15.10(256) *Online learning—access by students receiving competent private instruction.* Students enrolled in competent private instruction pursuant to Iowa Code chapter 299A may participate in online instruction pursuant to subrules 15.6(6) and 15.8(4). The individual providing instruction to a student under Iowa Code chapter 299A as described in Iowa Code section 299A.1(1) shall receive the student's score for completed program coursework.

[Filed 8/5/21, effective 9/29/21]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/25/21.